

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)	MDL No. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION)	Master File No. 01-cv-12257-PBS
)	
)	Subcategory No. 06-11337-PBS
)	Civil Action No. 08-cv-10852
THIS DOCUMENT RELATES TO:)	
<i>United States of America ex rel. Ven-A-</i>)	Judge Patti B. Saris
<i>Care of the Florida Keys, Inc., by and</i>)	
<i>through its principal officers and directors,</i>)	
<i>Zachary T. Bentley and T. Mark Jones v.</i>)	
<i>Actavis Mid Atlantic LLC, et al.</i>)	

**THIRD JOINT MOTION TO EXTEND ORDER OF DISMISSAL
AS TO DEFENDANTS MYLAN INC AND MYLAN PHARMACEUTICALS INC.**

Plaintiffs, the State of California (“California”), and Relator, Ven-a-Care of the Florida Keys, Inc. (California and Relator collectively, “Plaintiffs”), and Defendants Mylan Inc., f/k/a Mylan Laboratories Inc. and Mylan Pharmaceuticals Inc. (collectively “Mylan”), (Plaintiffs and Mylan collectively, “the Parties”) hereby move the Court to extend the Order of Dismissal of July 8, 2011 (Doc. #s 870 and 7659) a third time, to allow the Parties an additional 21 days (from February 17, 2012 to and including March 9, 2012) to obtain the United States’ consent and consummate the settlement before the Order of Dismissal becomes final.

The status of this remaining action against Mylan is as follows: Relator has approved and executed the settlement documents. California and Mylan have approved the settlement documents and each anticipates executing and circulating signed settlement documents by the end of the day, February 22, 2012. United States Department of Justice Senior Trial Attorney, Laurie Oberembt, has approved the proposed Consent of the United States (“US Consent”) to the settlement and has advised the Parties that she will sign and deliver the US Consent to Relator’s

counsel upon execution of the settlement documents by all Parties. Per the terms of the Settlement Agreement, Mylan is required to pay the Settlement Amount within seven (7) business days of the date that Relator's counsel informs Mylan counsel that he has in his possession the signed US Consent and is prepared to file it with the Court upon payment of the Settlement Amount. The Settlement Agreement further provides that within three (3) business days following payment of the Settlement Amount, the Parties will file appropriate dismissal pleadings with the Court.

Thus, although the Parties have worked diligently to finalize this remaining settlement by the current deadline of February 17, 2012, they will be unable to do so and therefore seek an additional extension of time to consummate the settlement. Accordingly, the Parties jointly request that the Court modify its Order of Dismissal to allow the Parties an additional 21 days (until March 9, 2012) to file the requisite documents with the Court seeking dismissals with prejudice pursuant to their settlement.

Dated: February 16, 2012.

Respectfully submitted,

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By: _____

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CERTIFICATE OF SERVICE

I hereby certify that I have this 16th day of February, 2012 caused an electronic copy of the above Third Joint Motion to Extend the Order of Dismissals as to Defendants Mylan Inc. and Mylan Pharmaceuticals Inc., to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Rand J. Riklin

Rand J. Riklin